

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

JASON ROBBINS,)	
)	
Movant,)	
)	
v.)	No. 4:15-CV-0246-DGK
)	(Crim. No. 4:11-CR-0082-DGK)
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER GRANTING MOTION REOPENING TIME TO APPEAL

A jury convicted Movant Jason Robbins (“Robbins”) of four firearms violations, and the Court sentenced him to 240 months’ imprisonment. The Eighth Circuit Court of Appeals affirmed. Movant filed a motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 (Doc. 1), which the Court denied on May 1, 2017. In the same order, the Court also denied a certificate of appealability.

Robbins subsequently filed what he described as a “motion for reconsideration” (Doc. 38). In the motion, Robbins reported that he did not receive the order denying his § 2255 petition until July 14, 2017, and that this can be confirmed by looking at the Lewisburg USP legal log book. The Court denied his motion for reconsideration.

Robbins filed a notice of appeal (Doc. 42) in the Western District of Missouri on July 24, 2017, appealing the denial of his § 2255 petition.

On July 25, 2017, the Clerk of the Court for the Eighth Circuit Court of Appeals received a motion (Doc. 44) which it construed as a request for leave to file an untimely appeal. The court of Appeals sent the motion to the Western District of Missouri because that is where it should have been filed originally (Doc. 44-1). In this motion, Robbins requests leave to file an

untimely appeal because he did not receive the Court's order denying his § 2255 petition until July 14, 2017, due to the fact that he was being transferred from one prison facility to another, and his legal mail did not reach him until July 14, 2017.

Because Robbins did not receive notice of the Court's order denying his § 2255 petition until July 14, 2017, which can be confirmed by the Lewisburg USP legal log book, and no party would be prejudiced by reopening the time for him to file an appeal, Movant's motion to file an untimely appeal (Doc. 44) is GRANTED under Federal Rule of Appellate Procedure 4(a)(6).

The other outstanding motion, Robbins' motion requesting an explanation why he did not receive notice of the denial of his § 2255 petition earlier (Doc. 46), is DENIED AS MOOT.

IT IS SO ORDERED.

Date: August 28, 2017

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT